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Special Litigation Counsel for Official Committee of  
Unsecured Creditors of USA Commercial Mortgage Company

E-Filed on February 1, 2007
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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
  
Debtor.

In re:  
USA SECURITIES, LLC,  
  
Debtor.

Affects:  
☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE IN THIS  
CASE ONLY BY ATTORNEY NOT  
ADMITTED TO THE BAR OF THIS  
COURT**

**EFFECTIVE JUNE 1, 2004 FILING FEE  
IS \$175.00**

Arley D. Finley, III, Petitioner, respectfully represents to the Court:

1. That Petitioner resides at 5637 Sedona Drive, Austin, Texas 78759.

1           2.     That Petitioner is an attorney at law and a member of the law firm of  
2 Diamond McCarthy, LLP, with offices at 909 Fannin Street, Suite 1500, Houston, TX  
3 (713) 333-5100; 1201 Elm Street, 34<sup>th</sup> Floor, Dallas, TX 75270, (214) 389-5300; and 6504  
4 Bridgepoint Parkway, Suite 400, Austin, TX 78730, (512) 617-5200.

5           3.     That Petitioner has been retained personally or as a member of the law firm  
6 by the Official Committee of Unsecured Creditors ("Creditors Committee") to serve as  
7 special litigation counsel to the Creditors Committee and, following the effective date of  
8 the Plan of Reorganization (the "Plan"), to the USACM Trust, as defined in the Plan.

9           4.     That since February 1987, Petitioner has been and presently is a member in  
10 good standing of the bar of the highest court of the State of Texas where Petitioner  
11 regularly practices law.

12           5.     That Petitioner was admitted to practice before the following United States  
13 District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United  
14 States and Courts of other States on the dates indicated for each, and that Petitioner is  
15 presently a member in good standing of the bars of said Courts.

<u>Court</u>	<u>Date Admitted</u>
Supreme Court for the State of Texas	May 8, 1987
U.S. Court of Appeals, 5 <sup>th</sup> Circuit	April 3, 1990
U.S. District Court for the Northern District of Texas	July 29, 1987
U.S. District Court for the Southern District of Texas	March 26, 1991
U.S. District Court for the Eastern District of Texas	September 19, 1990
U.S. District Court for the Western District of Texas	January 11, 1993

24           6.     That there are or have been no disciplinary proceedings instituted against  
25 petitioner, nor any suspension of any license, certificate or privilege to appear before any  
26

1 judicial, regulatory or administrative body, or any resignation or termination in order to  
 2 avoid disciplinary or disbarment proceedings, except as described in detail below: None.

3 7. That Petitioner has never been denied admission to the State Bar of Nevada.

4 8. That Petitioner is a member of good standing in the following Bar  
 5 Associations:

6 State Bar of Texas

7 Austin Bar Association

8 American Bar Association

9 9. Petitioner or any member of Petitioner's firm (or office if firm has offices in  
 10 more than one city) with which Petitioner is associated has/have filed application(s) to  
 11 appear as counsel under Local Rule IA 10-2 during the past three (3) years in the  
 12 following matters:

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
15 Arley D. Finley, III 16 (2002)	Schnelling v. Budd, <i>et al.</i> ; (Adv. No. 02- 1025; Bankr. No. BK-S-00-10533- LBR)	USBC	Granted
18 Eric D. Madden (12/06/05)	Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/29/05)
20 James D. McCarthy (12/06/05)	Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/21/05)
22 Allan B. Diamond (12/06/05)	Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (12/21/05)
24 Walter J. Scott 25 (12/06/05)	Provincial Govt. of Marinduque v. Placer Dome, Inc. (CV-S-05-1299)	USDC	Granted (01/11/06)

1		Schnelling v. Budd,		
2	Allan B. Diamond	<i>et al.</i> (Adv. No. 02-		
3	(2002)	1025; Bankr. No.	USBC	Granted
		BK-S-00-10533-		
		LBR)		
4		Schnelling v. Budd,		
5	Eric D. Madden	<i>et al.</i> ; (Adv. No. 02-		
6	(2002)	1025; Bankr. No.	USBC	Granted
		BK-S-00-10533-		
		LBR)		
7	Erin E. Jones	Agribiotech, Inc., <i>et</i>		
8	(2002)	<i>al.</i> ; (Bankr. No. BK-	USBC	Granted
		S-00-10533-LBR)		

10. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

11. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

12. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court FOR THE PURPOSES OF THIS CASE ONLY.


DATED: 1-23-07

Arley D. Finley, III, Petitioner

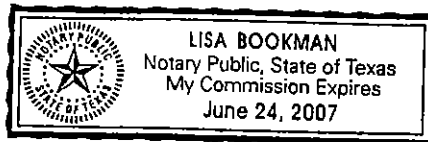
VERIFICATION

STATE OF TEXAS       )  
                                  )  
COUNTY OF TRAVIS    )

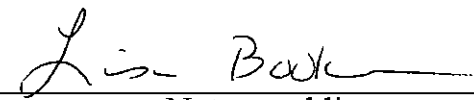
Arley D. Finley, III, Petitioner, being first duly sworn, deposes and says:  
That the foregoing statements are true.

  
\_\_\_\_\_  
Arley D. Finley, III, *Petitioner*

(SEAL)



Subscribed and sworn to before me this  
23rd day of January, 2007.

  
\_\_\_\_\_  
Notary public